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EAST TIMOR

AMNESTY INTERNATIONAL STATEMENT TO THE UNITED NATIONS SPECIAL COMMITTEE ON DECOLONIZATION

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Amnesty International presented its concerns about human rights in East Timor to the meeting of the United Nations Special Committee on Decolonization on 14 (15) August 1989. Amnesty International welcomed the recent "opening" of East Timor but stressed that this cannot be taken as evidence that human right violations no longer occur in the territory.

Significant limitations on access to information remain which make the collection of human rights information difficult. Postal and telephone communications continue to be monitored, and the press operates within strictly enforced guidelines which the Government justifies in terms of national security. The visits of foreign delegations are carefully controlled and international human rights organizations, including Amnesty International, have not yet been able to visit the territory. In spite such difficulties Amnesty International has received reports of grave violations of human rights over the last year, including mass arrests for what appeared to be political reasons, unfair trials, torture of prisoners in police and military custody, extrajudicial executions, incommunicado detention and "disappearances".

Amnesty International urged the Government of Indonesia to disclose the names and places of detention of all those detained in the name of "national security" over the last year, and to immediately release anyone detained soleley for their non-violent political or religious beliefs or activities. It requested permission either to observe the trials of those held on political charges, or to have access to trial documents. It emphasized that in view of credible allegations of torture, unlawful executions and "disappearances" the government had an obligation to devote sufficient resources to ensure that prompt and impartial investigations are conducted by competent authorities.

This summarizes a 6 page document, East Timor: Amnesty International Statement to the United Nations Special Committee on Decolonization. AI Index: ASA 21/11/89 issued by Amnesty International in August 1989. Anyone wanting further details or to take action on this issue should consult the full document.

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AMNESTY INTERNATIONAL STATEMENT ON EAST TIMOR TO THE UNITED NATIONS SPECIAL COMMITTEE ON DECOLONIZATION

Thank you, Mr Chairman, for this opportunity to bring Amnesty International's concerns about human rights in East Timor to the attention of this Committee. Amnesty International takes no position on the question of East Timor's political status. However, as in previous years, we are presenting our concerns here in the belief that the discussion on East Timor, both within this Committee and in the United Nations generally, must be informed by an understanding of the human rights situation in the territory.

In principle, we view the official "opening" of East Timor largely to tourism and commerce in January 1989 as a favourable sign. This partial opening should not, however, be construed as evidence that human rights violations no longer occur in East Timor. There are two reasons for saying so. The first is that the scope of the opening, particularly as it pertains to the collection of information on human rights violations, has been limited. Significant restrictions on access to and travel within the territory remain. Postal and telephone communications continue to be monitored, and the press operates within strictly enforced guidelines which the Government justifies in the name of national security. The visits of foreign delegations are carefully controlled, and international human rights organizations, including Amnesty International, have not yet been able to visit the territory.

Second, despite these limitations, Amnesty International has received recent reports of serious human rights violations, including mass arrests for what appear to be political reasons, torture and ill-treatment in police and military custody, extrajudicial executions and "disappearances". We remain concerned about the evident unfairness of political trials in East Timor, and believe that many Timorese arrested since October 1988 may be prisoners of conscience, detained for their non-violent political or religious beliefs. There is evidence too that people involved in gathering and disseminating information about human rights abuses in East Timor have been arrested, and in some cases, tortured.

Recent statements by Mr Joao Maria Reis attest to the degree of control exercised over the visits of foreign delegations. As a civil servant in the "provincial" office of the Indonesian Ministry of Information, Mr Reis was involved in preparations for the visits of several foreign delegations between January 1986 and early 1989 when he left East Timor. According to Mr Reis, when the itinerary for a visit included a stop in a politically sensitive area, the population would be prepared in advance by a team of Indonesian Government and military intelligence.

officers. They would be provided with placards and banners, with messages like "Portugal Out", and instructed to shout "Long Live Indonesia!" on a cue from a government official. Government staff or military intelligence officers were often planted in the crowd, and it was they who would come forward to be interviewed by visiting journalists or dignitaries.

[The experience of a British Parliamentary delegation which went to East Timor in March 1989, after the official opening of the territory, suggest that strict controls are still the norm. The delegation was not permitted to visit certain rural areas in the eastern part of the territory. They were told that the trip could not be made overland and that a helicopter was not available. One member of the delegation, however, noted at least five inactive military helicopters in the space of a few hours. Unforseen difficulties arose in other aspects of their trip as well. Although they had been assured in Jakarta that a meeting with the Apostolic Administrator of Dili, Monsignor Belo, had been scheduled, on arrival in Dili they were informed that the Bishop was "not in town". A meeting with Father Locatelli, a Catholic Priest, was arranged but Indonesian intelligence officers and government escorts joined the meeting. One member of the delegation, Anne Clwyd MP, remarked that "...in the time that we were there we didn't meet what I would describe as ordinary people...We saw a local council but we didn't have an opportunity to talk to them" (BBC Far Eastern Service, 23 March 1989).]*

Amnesty International is concerned by reports of widespread arrests since October 1988 and we believe that many of those detained have been arrested because of their political activities and beliefs. We have compiled the names of over 200 people reportedly detained between October 1988 and July 1989. The actual number of people taken into custody for political reasons since October 1988 is undoubtedly far greater, although it appears that the majority were quickly released after interrogation.

Among those arrested are people who are known to have expressed opinions critical of the Indonesian government or to have participated in non-violent activities in pursuit of political change in East Timor. Others are known to have assisted in the preparation and dissemination of letters and documents, including some signed by Bishop Belo, which call for a referendum on the political status of East Timor, and which detail human rights abuses committed by Indonesian security forces in the territory. According to one report, the Chief of Military Intelligence in East Timor recently acknowledged that more than 25 people had been detained in May and early June to ensure the safety of the Pope, who will not be visiting East Timor until mid-October 1989.

The government has claimed that the number of arrests was "only" a few hundred, but significantly has not denied that the arrests targetted suspected opponents of the Indonesian government. In a statement before the 45th session of the United Nations Commission on Human Rights in February 1989, the Indonesian delegation sought to justify the arrests by referring to them as "precautionary measures" taken to deal with a "conspiracy to entice (sic) security disturbances during the President's visit" (Indonesian Right of reply under Item 12).

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*[Note: Sections of the text enclosed in square brackets [] were not included in the oral presentation before the UN Special Committee on Decolonization]

Eight of those detained in late 1988 were reportedly tried in Dili District Court, and found guilty of belonging to an illegal organization, the Association of Santo Antonio. According to government sources, the alleged leaders, Filomeno Gomes and Ananias do Carmo Fuca were sentenced to seven and six months in jail respectively, and the remaining six received shorter terms. Although the sentences were relatively light, Amnesty International believes that the eight may have been prisoners of conscience, imprisoned for the non-violent expression of their political or religious beliefs and in violation of their right to freedom of association. Moreoever, reports from Dili suggest that their trials were not open to the public and that the defendants were not free to choose their own legal counsel.

In previous statements to this Committee, Amnesty International has expressed doubts about the fairness of the trials of people arrested on suspicion of having links with Fretilin. The Indonesian government has not allowed qualified international observers to attend those trials, and repeated efforts by Amnesty International to obtain copies of trial documents have been unsuccessful. Last year, we noted the case of the trial of Mr Aleixo Pereira Guterres. In an interview with the British Parliamentary delegation in March 1989, he reiterated earlier allegations that his and other political trials in East Timor had been unfair, and protested his innocence on the charge of collaborating with Fretilin. He claimed that parts of his testimony had been extracted under duress during interrogation. It is now known that he received a sentence of seven years and is due for release in November 1993.

According to our information, a total of 25 East Timorese suspected of having links with Fretilin now remain in acknowledged detention. Eleven are held in Cipinang prison in Jakarta and 14 in Dili's Bekora prison. We are concerned that East Timorese prisoners serving sentences in Jakarta are effectively denied regular access to family and friends. One such prisoner is Albino Lourdes (aged 50) originally from Lospalos. He was arrested in Dili in 1984 and sentenced to 17 years in prison for alleged links with Fretilin. His wife, who lives in Dili, has been able to visit him only twice since his transfer to Cipinang prison. Mr Lourdes suffers from a bladder condition. We urge the Indonesian government, on humanitarian grounds, to arrange for the transfer to Dili of all East Timorese prisoners who, like Mr Lourdes, are still in Jakarta.

In addition to those officially acknowledged to be in detention, Amnesty International believes that many more people detained for political reasons are being held incommunicado in various military detention centers in East Timor. We have received reports that at least 36 of those arrested in October and November 1988 remained in detention over three months later. To our knowledge, the majority (28) of these had not been formally charged or tried. In the experience of Amnesty International, it is not until prisoners are formally tried that they are transferred to a regular civilian prison. Before trial they may remain in custody for several months at one of many District or Sub-District Military Commands (KODIM or KORAMIL), or in unofficial detention centres. One such detention centre in Dili is the former home of a certain Joaquim Babu. Like the notorious Hotel Flamboyan in Baucau this building is reportedly used by Indonesian military intelligence for interrogation. These facilities are not visited by international humanitarian organizations or visiting dignitaries.

Some of those held in military detention centres have reportedly been subjected to ill-treatment and torture. The forms of torture reported include: beating and kicking; burning with lighted cigarettes; electrical shock; placing a prisoner's foot under the leg of a chair which is periodically sat on by the interrogator; submersion in a tank of water for several hours at a stretch; forcing a prisoner to drink salt water, or to stand in boiling water; threatening a prisoner with the bite of a large aligator-like lizard; and in the case of women, sexual abuse.

In a Pastoral Note, dated 5 December 1988, Bishop Belo claimed that the ill-treatment of detainees in East Timor, including "blows, kickings and beatings" was commonplace. He denounced the practice as "barbaric" and condemned Indonesian efforts to deny human rights abuses in the territory as "lying propaganda". The Indonesian government claimed that the Pastoral Note had been "quoted out of context", and had been "misused" by certain NGOs. However, in a letter to the Apostolic Nuncio in Jakarta, dated 16 February 1989, Bishop Belo mentioned the names of seven Timorese from the village of Ahio-Dilor who had been badly beaten by security personnel in late October 1988. [Their names are: Araujo Fernandes, Agostinho Lo'o, Francisco Parada Martins, Luis Ximenes, Loi'Ouela, Alarico Martins and Moises Ximenes. Loi'Ouela, reportedly had his head split open, but it is not known if he died as a result of his injury.]

Amnesty International is especially disturbed by reports that three men suspected of compiling information about human rights and distributing it to people outside the territory, are among those who have been tortured. They are Filomeno Gomes (aged 40) arrested in November 1988, Lazaro Ribeiro (aged 26) arrested on 24 October 1988, and Jaime dos Santos (aged 41) arrested on 5 November 1988. Another person reportedly tortured in November 1988 subsequently fled East Timor and his case was reported to Amnesty International. It was said that he had been burned with cigarettes, and had suffered kicks and punches during interrogation. Further investigation proved difficult because the individual feared that his testimony, or publicity of any sort, would place those of his family still in East Timor in grave danger. We have received reports of at least 20 more cases of ill-treatment and torture by military and police forces in connection with the 1988 arrests, and dozens more since the wave of arrests that began in April 1989.

Although Amnesty International has not yet been able to verify all of the most recent reports, there is in our view a consistent and recurrent pattern of torture in East Timor which lends credence to these allegations. The recent testimony of East Timorese arrested in 1985 and 1986 provides fresh evidence of this pattern. In March 1989, the British Parliamentary delegation interviewed four Timorese political prisoners in Bekora prison: Aleixo Pereira Guterres, Luis Maria da Silva, Felix Ximenes and Jil Fernandes. All four claimed that they had been ill-treated shortly after their arrest by the military. Aleixo Pereira Guterres confirmed the allegations of torture by military intelligence officers that were noted in our statement before this Committee in 1987. He testified that he had been burned with lighted cigarettes, beaten, kicked and given electric shocks, on two separate occasions in October and November 1986.

Amnesty International fears that some of these people, last seen in the custody of members of the security forces, may have "disappeared". One of these, Manuel Fatima Guterres (aged 42), who is married with five children, has not been seen since he was taken from his home in Dili by four military officers at about 8 pm on 25 May 1989. Efforts by his wife,

Maria de Fatima Patrocinio Guterres, to locate him at local military camps have so far been unsuccessful. Mr Guterres, who owns a small shop in Venilale, was reportedly suspected of supplying food and other provisions to Fretilin guerrillas.

[The families of several other East Timorese fear that their relatives may have "disappeared". The whereabouts of Elias Pereira Moniz, an East Timorese student who was living in Bali, are unknown. Mr Moniz was reportedly arrested by military intelligence officers in Denpasar, on 14 June 1989. Victor da Silva aged 20, a policeman, was arrested on 14 November 1989, apparently on suspicion of distributing pamphlets critical of the Indonesian government and has not been seen since. Also reported missing is Herminio da Silva da Costa, who worked in the office of the Governor of East Timor. He is thought to have passed one of Bishop Belo's letters to an outside source, and was arrested on 24 May 1989.]

Amnesty International wishes to acknowledge recent efforts made by the Indonesian government to investigate cases of "disappearances" which have taken place in East Timor over the last thirteen years, but it remains concerned at the slow pace of such investigations. Last year the Working Group on Enforced and Involuntary Disappearances reported that six cases had been clarified by government information; all six were said to be in detention. According to its January 1989 report, the Working Group considered only 10 cases to have been newly clarified by information provided by the government during 1988; the government claimed that the ten were alive and residing in East Timor. Unfortunately, Amnesty International has not learned all the names of those said to be alive and therefore has not been able to verify this claim.

[Anmesty International thinks that many of those more recently reported as missing or "disappeared" may be in military custody. However, past experience suggests that some may also have been unlawfully executed by members of the security forces. Amnesty International urges the Indonesian Government to comply with the spirit of United Nations General Assembly Resolution 33/173 of 1978, which calls on all governments to devote appropriate resources to searching for disappeared persons and to "ensure that law enforcement and security authorities or organizations are fully accountable, especially in law, in the discharge of their duties, such accountability to include legal responsibility for unjustifiable excesses which might lead to enforced or involuntary disappearances and to other violations of human rights."]

We have recently received reports of unlawful executions by members of the security forces in East Timor. Some of these date from 1986 and 1987, and several took place in 1988 and 1989. In some cases, the execution has reportedly been followed by the mutilation or decapitation of the victims, or by threats on the lives and livelihood of witnesses. Although restrictions on access to information in the territory make it difficult to confirm such reports quickly, they are consistent with previously documented patterns of abuse. We believe the allegations are sufficiently grave to warrant a thorough investigation.

Two of these executions occurred in connection with the mass arrests in late 1988. According to reports, Carlos Mendes da Silva (aged 22) and Luiz da Cruz (aged 20) were shot repeatedly in front of 15 witnesses in Dilor-Lacluta, by members of the 726 Battallion of the Indonesian armed forces, on the night of 31 October 1988. About one week after the killings, the local military commander issued a statement attributing the killings to

Fretilin. According to Bishop Belo "psychological pressure has been exerted on functionaries not to divulge anything about these assassinations, on threat of losing their jobs or their lives." (Letter to Apostolic Nuncio Jakarta, 16 February 1989) At least five others, and possibly many more, were unlawfully executed by members of the military between March and June 1989. [They are Juliao Freitas (aged 54) who was killed on 14 May 1989 by members of Battalion 315 of the Indonesian armed forces; Gaspar de Sousa (aged 50) and Felix Ximenes (aged 55) both killed on 11 June 1989 by members of Battalion 315; Aleixo Ximenes (aged 30) killed on 23 March 1989 in Venilale by a member of Battalion 328; and Joachim Ximenes (aged 38) killed in April by members of the same Battalion.]

Mr Chairman, Amnesty International believes that in accordance with international human rights standards, and in the interest of safeguarding against future violations, the Indonesian Government has an obligation to investigate these allegations of unlawful killings, "disappearances" and torture committed by members of the security forces, to initiate proceedings against any suspects, and to punish anyone found to be responsible. We ask that in the interest of demonstrating the fairness of the trials in which the defendants are charged with political offences, these be made accessible to qualified international observers. At a minimum, we would hope that documents from political trials be made available to Amnesty International or other international organizations which may request them. We also urge the Government to disclose the names and place of detention of all people detained in the name of "national security" over the last year, and to order the immediate release of anyone detained solely because of their non-violent political or religious activities or beliefs.

In July 1989, Amnesty International sent an urgent communique to President Suharto and to several senior government and military authorities, expressing concern about and seeking clarification of the most recent wave of arrests and other reported human rights abuses in East Timor. We assured the government that we would duly note any response received before 14 August in our statement before this Committee. It is with regret, Mr Chairman, that I must report that to date no reply has been received.